BEFORE THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Review Application No. 5 of 1905-06.

Petitioner.—S. Shatagopa Iyengar, retired Head-quarter Inspector of Police, Bangalore.

Subject.

Prayer for the removal of the direction contained in Government Order No. 1606—P.F. 19-99, dated the 22nd February 1902, that the restoration to the petitioner of the Dharmadaya Inam land, Survey No. 84 of the Kogile village in the Bangalore Taluk, is subject to the condition that the deficient number of trees (111) on the Bangalore-Madras road is made good within the next six months.

Decision.

This is an application for a review of the Order of Government No. 1606-7—P. F. 19-99, dated the 22nd February 1902. The petitioner objects to the direction therein contained that the restoration of the Inam land in question to him is subject to "the condition that the deficient number of trees (111) is made good within the next six months." His contention is that under the terms of the Commissioner's Notification, dated 22nd July 1846, and of the order of 6th September 1865 granting the Inam, his obligation does not extend to a larger number of trees than 400. Government hold that this contention is entitled to prevail. The Notification of 1846 entitled the petitioner's father to an Inam of 12 pagodas for every 200 trees planted by him. He had planted 533 trees but the Deputy Superintendent recommended the grant to him of land assessed at only twenty-four pagodas "for 533 (trees) minus 133." This was sanctioned by the Chief Commissioner. The question is, not how many trees the grantee had actually planted but how many he was bound to plant and maintain. The latter was 400 and this number did, as a matter of fact, exist at the time of the Inam Settlement. The demand for an additional 111 trees so as to make up the 533, which existed at the time of the grant, was not justified by the Rules and could not consequently be properly enforced. This circumstance was lost sight of by Government when they authorized the restoration of the resumed Inam subject to the condition complained of. That condition is now removed and the order made absolute. The Deputy Commissioner's report shows that as many as 588 mature trees and thirty-seven plants are at present maintained by the petitioner. The petitioner's object then is clear that he is simply anxious that an additional obligation not in accordance with the terms of the grant should not attach to him and his descendants permanently for all time to come.

2. The grant was made up of eight kandis of land situate at Dyavasandra and four kandis at Kogile. The petitioner continues entitled to the whole of this extent. Under the Rules of 1874, some excess found in the lands of both villages was removed from his holding and otherwise disposed of. On the strength, however, of the subsequent Rules of 1891 as explained in Proceedings Nos. 2872-81—Cir. 28 and 16246-55—R. F. 295-92, dated the 19th May 1892 and 24th March 1893 respectively, certain other land was allotted to the petitioner under Proceedings No. 5130-2—R. F. 295-9, dated the 3rd December 1895, in lieu of the excess taken away from him in the Dyavasandra village. A similar treatment is now asked for by the petitioner and recommended by the Deputy Commissioner, in regard to the excess (Survey No. 82) in the village of Kogile. If under the Rules of 1891 and the explanatory orders of 1892 and 1893 the petitioner is entitled either to the grant of fresh land or to any other suitable relief, the Deputy Commissioner should submit definite proposals for the orders of Government in the Revenue Department.

Memo No. R. 9450—R. M. 455-04-5, dated 11th January 1906.

Copy of the above is forwarded to the Deputy Commissioner of the Bangalore District, together with the records received with his letter No. S. 251, dated the 11th September 1905, for needful reference and resubmission with the report called for.

Appeal No. 32 of 1905-06.

Appellant	*Vs.*	*Respondent*
Sreenivasiengar		1. Lingegowda (dead) 2. Ameer Sab.

Subject.

Appeal against the Mysore Deputy Commissioner's order cancelling the sale for arrears of revenue of Survey No. 71 of Lakshampur village, Akkihebbal hobli of the Krishnarajpete Taluk.

The facts of the case appear sufficiently from the following:—

Decision.

The land in question stood registered in the name of one Lingegowda. A default in the payment of its assessment having occurred, a notice of demand was issued on the 10th of March 1903. The Khatedar was reported to be dead. The notice was served on the person said to be in possession, namely the 2nd respondent Ameer Sab, who, however, repudiated his liability on the ground that he had sold off the occupancy to one Chowrabi. But the latter's tenant and